

REMARKS/ARGUMENTS

Claims 2-11 and 16-23 are pending in the present application. Claims 2, 3 and 5-11 have been amended. Claims 16-23 have been presented herewith. Claims 1 and 12-15 have been canceled.

Priority Under 35 U.S.C. 119

Applicant notes the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document.

Drawings

The Examiner has required that Fig. 6 be designated as "Prior Art". Accordingly, enclosed herewith is one (1) red-inked Annotated Marked-up Drawing, wherein Fig. 6 has been denoted as "Prior Art", as required. Also enclosed is one (1) drawing Replacement Sheet incorporating the above noted drawing correction. **The Examiner is respectfully requested to acknowledge receipt and approval of the drawing Replacement Sheet.**

Claim Rejections-35 U.S.C. 102 and 103

Claims 1, 5 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by prior art acknowledged by Applicant. Claims 2-5 and 13-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over prior art acknowledged by Applicant, in view of the Saito et al. reference (U.S. Patent No. 6,562,186).

Allowable Subject Matter

Applicant respectfully notes the Examiner's acknowledgment that claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Although Applicant does not necessarily concede that the above noted prior art rejections are proper, claim 6 has been amended to be independent form, and claims 2-5 have been amended to be dependent upon claim 6, merely for the purpose of advancing prosecution of this application. The Examiner is therefore respectfully requested to acknowledge that claims 2-11 are allowed.

Claims 16-23

The end point detection method of claim 16 includes in combination "providing a plurality of collector barrels having respectively different physical characteristics that are detachably mountable to the sensor body for guiding the monitor light to the sensor"; "selecting one of the plurality of collector barrels having a physical characteristic suitable for a particular etching process"; and "detachably mounting the selected one of the plurality of collector barrels to the sensor body". Applicant respectfully submits that the end point detection method of claim 16 distinguishes over and would not have been obvious in view of the prior art as relied upon by the Examiner, for at least similar reasons as previously pending claims 6-11. Accordingly, the Examiner is respectfully requested to acknowledge that claims 16-23 are allowed.

Conclusion

As noted above, claim 6 has been amended merely to be in independent form, in view of the Examiner's acknowledgment of allowable subject matter. The remaining claims have been amended merely to improve form. Accordingly, the claim amendments should not be construed as narrowing scope within the meaning of *Festo*.

The Examiner is respectfully requested to reconsider and withdraw the corresponding rejections, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Enclosures: One sheet of Annotated Marked-up Drawings
One drawing Replacement Sheet



Fig. 6
PRIOR ART

